

**IN THE COURT OF APPEALS**  
**FIRST APPELLATE DISTRICT OF OHIO**  
**HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-150603
	:	TRIAL NO. B-0704016
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
GERALD BULLOCKS,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant Gerald Bullocks appeals from the Hamilton County Common Pleas Court's judgment overruling his Crim.R. 32.1 motion to withdraw his guilty pleas. We affirm the court's judgment.

Bullocks was convicted in 2008 upon guilty pleas to murder and attempted murder. He did not appeal his convictions. He instead unsuccessfully challenged his convictions in postconviction motions and proceedings filed with the common pleas court in 2009, 2014, and 2015. In this appeal, Bullocks presents four assignments of error challenging the overruling of his 2015 motion to withdraw his guilty pleas.

Bullocks's assignments of error depend for their resolution upon matters that transpired at his plea hearing. But he has not met his App.R. 9 obligation to ensure that the record on appeal includes a plea-hearing transcript conforming with the requirements of App.R. 9(B). *See* App.R. 9(A)(1), 9(B)(1), 9(B)(3), 9(B)(6)(b) and (j), and 9(B)(7); *see also* App.R. 12(A)(2) (imposing on the appellant the burden of

“identifying in the record the error on which [an] assignment of error is based”); *Knapp v. Edwards Laboratories*, 61 Ohio St.2d 197, 199, 400 N.E.2d 384 (1980) (holding that when an assignment of error depends for its resolution upon facts shown in a transcript of proceedings, the duty to provide that transcript necessarily falls upon the appellant).

The common pleas court’s decision overruling Bullocks’s motion to withdraw his guilty pleas was discretionary. *State v. Smith*, 49 Ohio St.2d 261, 361 N.E.2d 1324 (1977), paragraph two of the syllabus; *State v. Brown*, 1st Dist. Hamilton No. C-010755, 2002-Ohio-5813. And Bullocks bore the burden of demonstrating, with reference to the record, that withdrawing his pleas was necessary “to correct manifest injustice.” Crim.R. 32.1; *Smith* at paragraph one of the syllabus. Thus, implicit in the common pleas court’s decision overruling the motion was its determination that Bullocks had failed to sustain that burden. And that determination, in the absence of a transcript of the plea hearing, cannot be said to have been arbitrary, unconscionable, or the product of an unsound reasoning process. *See State v. Darmond*, 135 Ohio St.3d 343, 2013-Ohio-966, 986 N.E.2d 971, ¶ 34 (defining an “abuse of discretion”). We, therefore, hold that the court did not abuse its discretion in overruling the motion.

Accordingly, we overrule the assignments of error and affirm the judgment of the common pleas court.

A certified copy of this judgment entry constitutes the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**ZAYAS, P.J., MILLER and DETERS, JJ.**

To the clerk:

Enter upon the journal of the court on June 2, 2017,

per order of the court \_\_\_\_\_.

Presiding Judge